UNITED NATIONS

HRI

International Human Rights Instruments

Distr.
GENERAL

HRI/CORE/1/Add.50
9 November 1994

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

ESTONIA

[12 August 1994]

I. LAND AND PEOPLE

1. Estonia is situated on the east shore of the Baltic Sea between 57°46'N and 59°49'N latitude and 21°46'E and 28°13'E longitude. Estonia covers an area of 45,215 km^2, with an additional 2,000 km^2 still occupied by the Russian Federation.

2. On 24 February 1918, the creation of an independent Estonian State became possible. Estonia was independent until 16 June 1940. On the basis of the Molotov-Ribbentrop pact of 1939 and its secret protocols, the USSR occupied Estonia on 17 June 1940. On 6 August 1940, Estonia was incorporated into the USSR. It was occupied by Germany from 1941 to 1944, and by the Soviet Union from 1944 to 1991. Sovereignty was restored on 20 August 1991.

3. Estonia adopted the new Constitution of the Republic of Estonia by referendum on 28 June 1992. Pursuant to the Constitution, which entered into force on 3 July 1992, Estonia is an independent and sovereign democratic republic wherein the supreme power is vested in the people.

4. On 20 September 1992, the first free parliamentary and presidential elections since the war took place.

5. According to census data, the population of Estonia in 1989 was 1,565,662, of whom 963,269 or 61.6 per cent were ethnic Estonians, Russians 30.3 per cent, Ukrainians 3.17 per cent, Byelorussians 1.8 per cent, Finns 1.1 per cent and others 2.13 per cent. This represents a drastic decrease in the proportion of ethnic Estonians in Estonia, which was recorded at 97.3 per cent in 1945. The population in July 1993 was 1,516,600.

6. Estonia has undergone dramatic change since the restoration of independence. Estonia has commenced the implementation of a free market economy. With the monetary reform of 20 June 1992, Estonia introduced its own currency, the Estonian kroon (EK). The kroon is strictly pegged to the deutsche mark at a rate of 1 DM = 8 EK.

7. Primary economic indicators for Estonia are the following:

GNP in 1992 - 13.7 billion EK (1.7 billion DM);

GNP per capita in 1992 -8,560 EK (1.07 DM);

Inflation 1993 - 30 per cent;

Foreign debt as of 1 May 1993 - US$ 180 million;

Unemployment as of 1 May 1993 - 2.4 per cent and as of 1 September 1993 - 1.84 per cent;

Principal religions - Lutheran, Russian Orthodox, Baptist;

Average life expectancy (1990): men - 64.7 years, women - 74.9 years;

Infant mortality rate (1991) - 13.12 per thousand;

Birth rate (1991) - 17.8 per thousand;

Percentage of population under 15 years or over 65 years of age (1 January 1992) - 33.6 per cent;

Urban population - 71.25 per cent;

Rural population - 28.75 per cent.

8. The 1993 State budget is in balance. The amount of Estonian kroon in circulation is backed by over twice the amount in gold and foreign currency reserves. The foreign trade balance is positive, with foreign trade volume increasing 28 per cent in the first quarter of 1993 over the first quarter of 1992.

II. GENERAL POLITICAL STRUCTURE - LEGAL BASIS OF HUMAN RIGHTS PROTECTION IN ESTONIA

9. Everyone has the right to the protection of the State and of the law (Estonian Constitution, art. 14). Ensuring rights and freedoms is the responsibility of the legislative, executive and judicial powers, as well as of the local governments (EC, art. 14).

10. The work of the Riigikogu (Estonian parliament), the President of the Republic, the Government of the Republic and the courts is organized on the principle of separation and balance of powers.

11. Legislative power shall rest with the Riigikogu, which consists of 101 members (EC, arts. 59, 60). On 9 September 1992, the first democratic parliamentary and presidential elections in over 50 years were held. Besides independent members of parliament, nine parliamentary factions are represented in the Riigikogu.

12. The President of the Republic is the head of State (EC, art. 77). The current President is Lennart Meri.

13. Executive power in Estonia rests with the Government (EC, art. 86).

14. Universally recognized principles and norms of international law shall be an inseparable part of the Estonian legal system (EC, art. 3). If Estonian law or other acts contradict foreign treaties ratified by the Riigikogu (including international human rights conventions), the provisions of the foreign treaty shall be applied (EC, art. 123).

15. The Legal Chancellor shall be an independent official who shall monitor whether the legislative acts adopted by the State legislature and executive and by local governments are in accordance with the Constitution and the law (EC, art. 139).

16. Justice shall be administered only by the courts. The courts shall be independent in their work and shall administer justice in accordance with the Constitution and the law (EC, art. 146).

17. Estonia has a three-tiered court system:

(a) County and town courts and administrative courts (courts of first instance);

(b) District courts (courts of second instance, which review judgement by courts of first instance as appeal proceedings);

(c) National Court (highest court, which reviews court judgement as cassation proceedings and cases involving constitutional disputes).

The creation of special courts for some categories of court cases shall be established by law. The establishment of emergency courts shall be prohibited (EC, arts. 148, 149).

18. Every person shall have the right to bring a case before the courts if his or her rights or liberties have been violated. Any person whose case is being tried by a court of law shall be entitled to demand the determination of the constituticnality of any relevant law, other legal act or procedure (EC, art. 15).

19. The rights of all persons established in the International Covenant on Civil and Political Rights are protected without restriction in Estonia. Estonia has also acceded to the Optional Protocol to the Covenant. The Republic of Estonia thereby recognizes the competence of the Human Rights

Committee to receive and consider communications from individuals who claim to be victims of a violation by Estonia of any of the rights set forth in the Covenant.

20. The Estonian Constitution does not obstruct the application of provisions of human rights conventions ratified by the Riigikogu in Estonian law.

21. The protection of human rights in Estonia is monitored, in addition to the State legislature, executive power and the courts, by the Legal Chancellor. On 10 December 1992, the Estonian Institute for Human Rights was established as a public organization.

UNITED
NATIONS

HRI

International
Human Rights
Instruments

Distr.
GENERAL

HRI/CORE/1/Add.51
9 November 1994

ENGLISH
Original: FRENCH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

Senegal

[12 September 1994]

I. LAND AND PEOPLE

1. The Republic of Senegal is a State on the African continent, in the tropical Sudanic-Sahelian part. It is situated between longitude 12°-18° and latitude 16° 41" north, and has an area of 201,400 km^2. It is bordered on the north by the Islamic Republic of Mauritania, on the east by the Republic of Mali, on the south by the Republic of Guinea and the Republic of Guinea-Bissau, and on the west by the Atlantic Ocean.

2. The population of Senegal was estimated at 7,300,000 in May 1988, spread unevenly over Senegalese territory, with a heavy concentration in Dakar, which has 2,707 inhabitants per km^2, compared with 140 per km^2 in Thiès and Diourbel and 6 per km^2 in the eastern area of Tambacounda, which none the less accounts for one fifth of the country's total area.

3. The average population density is 35 inhabitants per km^2. The annual rate of increase between the two censuses in 1976 and 1988 was 3.8 per cent, with a national average of 2.9 per cent.

4. The population of Senegal, by sex and by age, is as follows:

AGE GROUP	MASC.	FEM.	TOTAL	%
- 20	1 959 153	2 017 609	3 976 782	57.7
20 to 59	1 313 371	1 359 319	2 573 277	37.3
60 and over	180 345	162 224	346 749	5.0

5. In the 1988 general census, it was found that, in the over 15 age group, 53 per cent of the men and 68 per cent of the women were married. Forty-four per cent of the men and 19 per cent of the women were unmarried.

6. Close on 1.8 per cent of the population consists of foreigners. In Senegal, there are seven major ethnic groups:

ETHNIC GROUP	TOTAL	% POPULATION
WOLOF	2 890 402	42.7
SERER	1 009 921	14.9
PEUL	978 366	14.4
TUKOLOR	631 892	9.3
DIOLA	357 672	5.3
MANDINGO	288 402	4.2
SARAKOLE/SONINKE	133 184	1.7
OTHER	503 578	7.5

7. French is the official language of the Republic of Senegal, but six other national languages are spoken and are recognized in the Constitution, namely, Wolof, Peul, Serer, Mandingo, Diola, Sarakole/Soninke.

8. Three main religions are practised in Senegal, namely:

Islam - 94 per cent of the population

Christianity - 5 per cent of the population

Other - 1 per cent of the population.

Islam is the religion practised by all ethnic groups, and the Christians are usually found on the coast among the Serer and among the Diola in the southern part of the country.

9. Urbanization displays the same disparity, with 96 per cent of the population living in towns and cities in the Dakar region, whereas the rate in all other regions is below the national average, i.e. 39 per cent.

10. Life expectancy in Senegal is 54 years. The infant mortality rate (0 to 1 year) is 8.6 per cent. The child mortality rate (1 to 4 years) is 11.3 per cent. The maternal mortality rate is 450 deaths per 100,000 births in the urban areas and 950 deaths per 100,000 births in the rural areas. The fertility rate is 6.8 children for all women. The number of never-married persons account for 0.5 per cent. The interpregnancy interval is 33 months.

11. The illiteracy rate among women aged 15 to 49 changed from 86.8 per cent in 1976 to 79 per cent in 1988, with 78.1 per cent for men aged 15 and over in 1976 and 62.6 per cent in 1988.

12. Some socio-economic indicators are given below:

Currency: CFAF (FF 1 = CFAF 100);

Gross National Product (GNP): CFAF 1,407 billion;

Per capita GNP: CFAF 195,000;

Gross Domestic Product (GDP): CFAF 1,480 billion.

II. GENERAL POLITICAL STRUCTURE

13. The Republic of Senegal is one of the former French territories with a very rich political past. It was proclaimed an independent sovereign State on 4 April 1960 by transferring the powers hitherto held by the French Community under the Constitution of 4 October 1958.

14. The first institutional form of organization was a republic based on separation of powers between the Executive, consisting of a President of the Republic and a President of the Council to formulate and conduct the country's national and international policy, a Legislature, the custodian of national sovereignty, consisting of a chamber with 60 deputies elected by universal suffrage, and with a Judiciary consisting of the Supreme Court to specify the law and to act both as a Constitutional Council, a Council of State and as a Court of Cassation.

15. The first government crisis in December 1962 put an end to the two-headed Executive and introduced a presidential system with a single Head of State accountable to the people. However, Parliament and the Supreme Court were maintained in their initial form. This strengthening of the Executive also led to the disappearance of all opposition parties and the introduction of a one-party system with a single party in power.

16. The big school and university crisis, from 1968 to 1970, severely tested the system and led to a revision of the Constitution and a return to the less centralized presidential system, with the creation of the post of a Prime Minister appointed and dismissed by the President of the Republic. This revision did not, however, affect the other institutions, namely Parliament and the Supreme Court.

17. Not until 1974 did a new wind of political pluralism sweep the country, with authorization to create political parties, which were none the less confined to three in number. However, it should be pointed out that, at that time, no more than 5 out of the 50 States on the continent of Africa accepted a multiparty system. It was therefore a significant advance by Senegal along the path of democratization.

18. In 1980, as a result of a revision of the Constitution some years earlier, there was an important change in the leadership of the State when the first President resigned and was replaced by the Prime Minister. A new Prime Minister was appointed to close the Legislature that had started in 1978. Then, in May 1983, following presidential and general elections, the post of Prime Minister was done away with and the country reverted to the presidential system.

19. Nevertheless, one major innovation was the introduction of complete political pluralism, with a free democratic system throughout the country and, as a result, the establishment so far of some 20 political parties. The number of deputies was increased from 60 to 120 in 1983.

20. The reinforced democratic system led to the creation in 1991 of the post of Ombudsman of the Republic, whose task is to remind the Executive of its duty to respect basic human rights in its relations with citizens.

21. The Judiciary was not spared by this wind of change. For example, 33 years after it was established and because it had attained the objectives of unifying the law and jurisdiction, the Supreme Court was done away with in 1992 and replaced by a Constitutional Council, a Council of State and a Court of Cassation.

22. The Electoral Code was reformed in the same year, with three major changes: the voting age was lowered from 21 to 18, which had a considerable influence on the size of the electorate; the President could not be elected for more than two terms, each lasting seven years, as a guarantee of a definite changeover at the level of the Head of State; and the monitoring of elections and electoral disputes was transferred to the courts, as a guarantee of free, transparent elections.

III. GENERAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

23. It should be remembered that, when it acceded to sovereignty, the Republic of Senegal irrevocably opted for the primacy of the rule of law, as the foundation not only of the organization of the State but also of fundamental human rights, as defined in the Universal Declaration of Human Rights, of 10 December 1948. For this reason, the first step was to set up democratic public institutions, based on the separation of powers and the independence of the Judiciary from the two other branches of government.

24. In the international arena, this choice was reflected initially by a letter from the Head of State to the Secretary-General of the United Nations on 9 May 1963 in which the Republic of Senegal recognized that it was bound by

all previous conventions pertaining to the promotion and protection of human rights, by virtue of the principle of State succession between the French State and the Senegalese State.

25. Subsequently, Senegal played an important part in elaborating and adopting other international conventions in this connection. To date, it is a party to: 19 United Nations international instruments; 34 ILO international conventions; 1 UNESCO international convention; and 4 OAU international conventions.

26. With reference to their place in the legal system in Senegal, it should be noted that these international human rights instruments form an integral part of our country's positive law, under the relevant provisions of article 79 of the Constitution, which places international commitments above national laws. For this reason, judicial practice recognizes that all international instruments may be invoked before judicial bodies and the courts apply them as the law of the nation.

27. As to guaranteeing the basic rights recognized in this international instrument, it should be noted that this task lies chiefly with the courts, by virtue of the relevant provisions of article 81 of the Constitution. At the administrative level, this guarantee is provided by the Ombudsman of the Republic, whose task is to remind the Executive of its duty to respect its own legislation and fundamental human rights.

28. This guarantee of human rights is also provided by the Legislature, the custodian of national sovereignty, by its parliamentary commissions of inquiry and by written or oral questions to the Executive.

29. In Senegal, as in any State governed by the rule of law, an individual who feels that he has been the victim of an offence entailing any harm or damage, is entitled to place the matter before the competent court. The courts assess and rule on the appropriate compensation, by means of damages and interests. They may also order the annulment of administrative acts which violate human rights. Lastly, the victims of arbitrary convictions are entitled to compensation and rehabilitation.

30. Fundamental human rights are also guaranteed by the monitoring of the authorities on the part of non-governmental organizations. Senegal has a dozen NGOs engaged solely in promoting and protecting human rights and they operate freely.

31. Furthermore, the Senegalese Human Rights Committee has been in existence since 1965 and is an interministerial body designed to assist the Government in formulating and coordinating its policy in the field of human rights. Again, the Committee does not fail to draw the attention of the authorities to cases of violations of human rights.

IV. INFORMATION AND PUBLICITY

32. International instruments, including the International Bill of Rights and other specific conventions are widely publicized by the State-owned and private media, without being translated into local languages, with the

exception of the Convention on the Rights of the Child, which has been produced in three local languages thanks to UNICEF support. They are translated into the local languages at public conferences held by NGOs and the Senegalese Human Rights Committee.

33. The task of preparing periodic reports on the implementation of international instruments in Senegal lies with an interministerial working group established by the Minister of State, the Minister for Foreign Affairs and the Minister for Senegalese Abroad.

34. NGOs can become acquainted with the periodic reports prepared by Senegal. However, such reports are not the subject of public debate.